

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**PC DRIVERS HEADQUARTERS, LP,**  
*Plaintiff,*

**v.**

**MALWAREBYTES, INC.,**  
*Defendant.*

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**CIVIL ACTION NO. 1:18-CV-00234**

**TEMPORARY RESTRAINING ORDER AND  
ORDER SETTING HEARING FOR PRELIMINARY INJUNCTION**

After considering PC Drivers Headquarters, LP (“PC Drivers”) Application for Temporary Injunction, the pleadings, the affidavits, and arguments of counsel, the Court finds that there is evidence that harm is imminent to PC Drivers, and if the Court does not issue a temporary restraining order, PC Drivers will be irreparably injured. As the basis for this order, the Court find that there is credible evidence that:

1. PC Drivers is entitled to a temporary restraining order to preserve the subject matter of this lawsuit until the hearing on PC Drivers’ Application for Preliminary Injunction. PC Drivers is entitled to injunctive relief to prevent irreparable injury to PC Drivers in the form of lost customers, goodwill, and reputational injuries that cannot be quantified into damages.
2. PC Drivers is substantially likely to prevail on its claims against Malwarebytes.
3. PC Drivers will suffer immediate and irreparable harm to its business if Malwarebytes is not immediately restrained and enjoined from labeling any of PC Drivers’ Products as PUP or malware, from blocking PC Drivers’ customers’ access to PC Drivers’ official websites, including [driversupport.com](http://driversupport.com) and [activeoptimization.com](http://activeoptimization.com), from encouraging the disabling of any of PC Drivers’ Products from its customers’ device, and redirecting web traffic to Malwarebytes’ own websites and software pages. PC Drivers is losing customers, goodwill, and suffer reputational injuries, and Malwarebytes has not demonstrated a basis for its actions.

4. For the potential harm and damage that would be inflicted upon PC Drivers, it has no adequate remedy at law. Damages will continue and are incalculable and irreparable. PC Drivers cannot presently measure, by any certain pecuniary standard the amount of damages that would result if a temporary restraining order is not issued, and even then, PC Drivers cannot be adequately compensated by monetary damages.
5. PC Drivers is willing to post a bond.

IT IS THEREFORE ORDERED that Malwarebytes, its officers, agents, representatives, consultants, collaborators, and all those acting in concert with it:

1. be restrained and enjoined from labeling any of PC Drivers' Products as PUP or malware; and
2. be restrained and enjoined from blocking PC Drivers' customers' access to PC Drivers' official websites, including [driversupport.com](http://driversupport.com) and [activeoptimization.com](http://activeoptimization.com); and
3. be restrained and enjoined from encouraging the disabling of any of PC Drivers' Products from its customers' device; and
4. be restrained and enjoined from redirecting web traffic to Malwarebytes' own websites and software pages.

Further, it is ORDERED that PC Drivers shall file a surety bond or cash deposit in lieu of bond in the amount of \$\_\_\_\_\_ to support the issuance of this Temporary Restraining Order.

Further, it is ORDERED that a hearing on PC Drivers' Application for Preliminary Injunction will be heard on \_\_\_\_\_ at \_\_\_\_\_ before Judge \_\_\_\_\_ in the United States District Court for the Western District of Texas, Austin Division, to determine whether a preliminary injunction should issue in this matter.

This Order expires after fourteen (14) days, unless further extended by this Court or by agreement of the parties.

SIGNED on this \_\_\_\_\_ day of \_\_\_\_\_, 2018, at \_\_\_\_\_ o'clock a.m./p.m.

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HONORABLE JUDGE PRESIDING